

STATE OF TENNESSEE

IN THE CIRCUIT COURT OF McMINN COUNTY, TENNESSEE

TODD FRANCE,

Plaintiff,

v.

McABEE CONSTRUCTION, INC.,

Defendant.

NO. 2014-CV-228

JURY DEMAND

FILED

1:59 PM

28 2014

RHONDA J. COOLEY  
CIRCUIT COURT CLERK  
BY [Signature] D.C.

Out Of County  
Rec'd Date 7/18/14

D.S.

ALIAS SUMMONS

To: McABEE CONSTRUCTION, INC.  
c/o Corporation Service Company  
2908 Poston Avenue  
Nashville, TN 37203-1312

SERVE THROUGH  
DAVIDSON COUNTY SHERIFF

You are hereby summoned to answer and made defense to a bill of complaint which has been filed in the Circuit Court of said County, Tennessee in the above styled case. Your defense to this complaint must be filed in the office of the Circuit Court of said County, Tennessee on or before thirty (30) days after service of this summons upon you. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

WITNESSED and Issued this 15<sup>th</sup> day of July, 2014.

Rhonda J. Cooley  
CIRCUIT COURT CLERK

By [Signature]  
Deputy Clerk

ATTORNEYS FOR PETITIONER:

Bill W. Pemerton  
735 Broad Street, Suite 306, Chattanooga, TN 37402  
(423) 826-2641

PETITIONER'S ADDRESS:

C/O ATTORNEY

Received this \_\_\_\_\_ day of \_\_\_\_\_, 2014.



/S/

Deputy Sheriff

EXHIBIT A

STATE OF TENNESSEE  
COUNTY OF McMINN

I, the Circuit Court Clerk, in and for the State and County aforesaid, hereby certify that the within and foregoing is a true and correct copy of the original writ of summons issued in this case.

*Khonda J. Costley*  
CIRCUIT COURT CLERK

By *Luan Chumie* D.C.

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OFFICERS RETURN

I certify that I served this summons together with the complaint as follows:

- ☐ On July 21st, 2014, I delivered a copy of the summons and complaint to the defendant, \_\_\_\_\_ Served \_\_\_\_\_  
Corporation Service Company
- ☐ Failed to serve this summons within 30 days after it issuance because: \_\_\_\_\_

Sheriff

*Jacquelyn Blue*  
Deputy Sheriff

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CLERK'S RETURN

I hereby acknowledge and accept service of the within summons and receive copy of same, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Defendant

CIRCUIT COURT CLERK

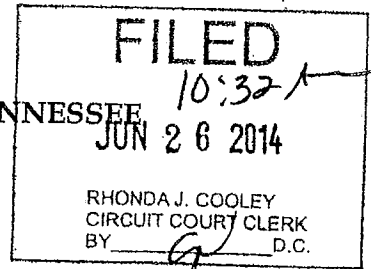
By \_\_\_\_\_ D.C.

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NOTICE TO THE DEFENDANT(S):

Tennessee Law provides a ten thousand dollar (\$10,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

IN THE CIRCUIT COURT OF McMINN COUNTY, TENNESSEE



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Puckett

JURY DEMAND

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COMPLAINT

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The Plaintiff, Todd France, sues the Defendant, McAbee Construction, Inc., and for his cause of action states as follows:

1. Plaintiff is a resident of Bradley County, Tennessee.
2. Defendant, McAbee Construction, Inc. ("McAbee"), is an Alabama corporation. It may be served through its registered agent, Corporation Service Company, 2908 Poston Ave., Nashville, TN 37203-1312.
3. This Court has jurisdiction of this matter, and venue is proper.
4. Plaintiff was employed as a field engineer by McAbee. He worked at several different job sites during his employment but primarily worked for McAbee at a plant owned by Resolute Forest Products in Calhoun, Tennessee
5. During his employment, Plaintiff witnessed numerous violations of safety rules and regulations that were condoned by the McAbee job superintendent and the

safety manager. The job superintendent and safety manager also failed to report accidents on the work site.

6. Plaintiff was concerned about these violations and raised them with a McAbee manager.

7. Shortly after raising these issues, Plaintiff was terminated by McAbee. Plaintiff was informed that the reason for his termination was a layoff due to lack of work, even though there were plenty of other McAbee job sites where Plaintiff could work.

#### CAUSES OF ACTION

8. The sole reason for the termination of Plaintiff was his refusal to participate in or refusal to remain silent about illegal activities. McAbee is liable for its retaliatory discharge in violation of Tenn. Code Ann. § 50-1-304.

9. Alternatively, a substantial factor in the termination was retaliation for Plaintiff's reporting of illegal or unethical conduct, and Plaintiff is entitled to recover for retaliatory discharge under common law.

10. Plaintiff's wrongful termination has caused him loss of income and benefits, loss of employment opportunity, and humiliation and embarrassment.

11. Plaintiff is entitled to damages and attorneys' fees pursuant to Tenn. Code Ann. § 50-1-304 for McAbee's retaliatory discharge.

WHEREFORE, Plaintiffs pray as follows:


a. That proper process issue and be served upon the Defendant requiring it to

appear and answer this complaint;

- b. For the recovery of compensatory damages in an amount to be proven at trial;
- c. For the recovery of attorney's fees;
- d. For the recovery of prejudgment interest and costs, including discretionary costs authorized by the Tennessee Rules of Civil Procedure;
- e. That Plaintiff have such other and further relief to which he may be entitled; and
- f. That a jury be empanelled to try the issues in this matter.

Respectfully submitted,

HORTON, BALLARD & PEMERTON, PLLC

By:   
Bill W. Pemerton, BPR No. 024654  
Attorneys for Plaintiff  
735 Broad Street, Suite 306  
Chattanooga, TN 37402  
423-826-2643  
Facsimile 423-826-2639

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COST BOND

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We hereby acknowledge and bind ourselves as Principal and Surety for the prosecution of this action and payment of all non-discretionary costs in this Court which may at any time be adjudged against the Plaintiff as a party.

Witness Our Hands this 24<sup>th</sup> day of June, 2014.

Respectfully submitted,

HORTON, BALLARD & PEMERTON, PLLC

By:



BILL W. PEMERTON, BPR No. 024654

ATTORNEY FOR PLAINTIFF

735 Broad Street, Suite 306

Chattanooga, TN 37402

Telephone: (423) 826-2643

Facsimile: (423) 826-2639